

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

JONATHAN MARCUM
For himself and on behalf of all
similarly situated individuals.

Plaintiff,

v.

Civil Action No.: 3:12cv108

DOLGENCORP, INC.
d/b/a Dollar General

Defendant.

DOLLAR GENERAL’S MOTION TO DISMISS
COUNTS I AND II OF THE FIRST AMENDED CLASS COMPLAINT

Defendant Dolgencorp, LLC (incorrectly referred to the First Amended Class Complaint as Dolgencorp, Inc and hereinafter referred to as “Dollar General”), by counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure submits this Motion to Dismiss Counts I and II of Jonathan Marcum’s First Amended Class Complaint. For the reasons stated in the accompanying Memorandum in Support, Dollar General respectfully requests that the Court grant its motion and dismiss Counts I and II of Plaintiff’s First Amended Class Complaint.

Dated: November 5, 2012

Respectfully Submitted

DEFENDANT DOLGENCORP, LLC
(incorrectly referred to the First
Amended Class Complaint as
Dolgencorp, Inc)

By: /s/ John C. Lynch
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of November, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a true and correct copy of the foregoing to the following CM/ECF participants:

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